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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,854	07/15/2003	Makoto Katagishi	62758-042	4351
<div>7590 08/05/2008 MCDERMOTT, WILL &amp; EMERY 600 13th Street, N.W. Washington, DC 20005-3096</div>				
EXAMINER				
LIN, JASON K				
ART UNIT		PAPER NUMBER		
2623				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/618,854

**Applicant(s)**

KATAGISHI ET AL.

**Examiner**

JASON K. LIN

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This office action is responsive to application No. 10/618,854 filed on 03/12/2008.

**Claims 1-14** have been cancelled and **Claims 15-19** are pending and have been examined.

### *Response to Arguments*

2. Applicant's arguments with respect to claims 15-19 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 15, 16, 18, and 19** are rejected under 35 U.S.C. 102(e) as being anticipated by Goto et al (US 2002/0037159).

Consider **claim 15**, Goto teaches an information processing terminal capable of controlling a reproduction of video information of a program stored in a recorder/player (Figs. 1-2), comprising:

a broadcast receiver which receives a broadcast signal that contains video information of a program and information about the program (Paragraph 0031, 0034, , 0044 teaches a tuner 11-Fig.1 that can receive an RF television signal

that contains the audio/visual contents and attribute information of the content signal);

a display which displays the video information received by the broadcast receiver (TV 1-Fig.1; Paragraph 0034, 0038 teaches the path flow of video information from the tuner to the TV to be displayed);

a storage which extracts a part of the video information as program identification image information and stores the program identification image information associated with the information about the program when a recording instruction is inputted by a user of the information processing terminal while the video information is being displayed by the display (Paragraph 0053-0055, 0051 teaches a recording command is issued, the designated content signal fed from tuner 11-Fig.1, is recorded along with auxiliary information, and a corresponding start picture thumbnail representing the program of the content signal is stored. Paragraph 0034, 0038 teaches the path flow of video information from the tuner to the TV to be displayed. *Therefore, during reception of a content signal via the tuner, that outputs the content signal onto the TV, the video information is being displayed while the user issues the record command*);

a transmitter which transmits information to the recorder/player (Paragraph 0053-0054); and

a controller which controls the display so as to display the program identification image information stored in the storage (Fig.4; Paragraph 0064) and the transmitter so as to transmit the information about the program

associated with the program identification image information to the recorder/player when a reproduction instruction is inputted by the user after the program identification image information displayed by the display has been selected by the user (Paragraph 0064 teaches displaying the thumbnail images representing the recorded content signals. Paragraph 0079, 0100 teaches playing back the program corresponding to the thumbnail designated by the cursor when selected by the viewer. Paragraph 0057 teaches informing the recorder/player of the selected program signal, retrieves and outputs the designated program signal).

Consider **claim 16**, Goto teaches wherein the transmitter transmits a recording instruction with the information about the program to the recorder/player when the recording instruction is inputted by the user (Paragraph 0053-0054).

Consider **claim 18**, Goto teaches wherein the information about the program is information that indicates a program ID, a program title, a broadcast channel or a broadcast time zone (Paragraph 0044, 0051).

Consider **claim 19**, Goto teaches wherein the program identification image information is still picture information (Fig.4; Paragraph 0055).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claim 17** is rejected under 35 U.S.C. 103(a) as being unpatentable over Goto et al (US 2002/0037159) in view of Kanemitsu (US 6,854,127).

Consider **claim 17**, Goto does not explicitly teaches a receiver which receives information from the recorder/player (Paragraph 0057, 0064), but does not explicitly teach wherein the receiver receives information about a rebroadcast of the program and the controller controls the display so as to display the information about the rebroadcast of the program.

In an analogous art Kanemitsu teaches, wherein the receiver receives information about a rebroadcast of the program and the controller controls the display so as to display the information about the rebroadcast of the program (Abstract, Col 2: lines 54-63, Col 2: line 67 – Col 3: line 2, Col 8: lines 10-20).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Goto's system to include wherein the receiver receives information about a rebroadcast of the program and the controller controls the display so as to display the information about the rebroadcast of the program, as taught by Kanemitsu, for the advantage of providing the user with valuable information on

desired content, allowing them to obtain the complete content with ease via the client system (Kanemitsu - Col 2: line 54-63).

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON K. LIN whose telephone number is (571)270-1446. The examiner can normally be reached on Mon-Fri, 9:00AM-6:00PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on (571)272-7527. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason Lin

07/20/2008

/Brian T. Pendleton/

Supervisory Patent Examiner, Art Unit 2623